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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JOHN WALTER BURKI,

9 Plaintiff,

10 v.

11 FLORANCE SMITH, et al.,

12 Defendants.

Case No. C17-140 RAJ-BAT

ORDER OF DISMISSAL

13 The Court, having reviewed the proposed complaint, the Report and Recommendation of
14 the Honorable Brian A. Tsuchida, United States Magistrate Judge, any objections or responses to
15 that, and the remaining record, finds and **Orders** as follows:

- 16 1. The Report and Recommendation is **ADOPTED**;
- 17 2. Plaintiff's proposed 42 U.S.C. § 1983 complaint is **DISMISSED without prejudice**
18 for failure to prosecute; and
- 19 3. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

20 DATED this 5th day of June, 2017.

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22 The Honorable Richard A. Jones
23 United States District Judge